

Environmental Permitting: Participating in the Process

Brian Christian, Director
Environmental Assistance Division





Outline

- Introduction to TCEQ Permit Applications
- Public Notices
- Participation Options in Public Notices
- Additional Participation Options
- Available Resources



Introduction to TCEQ Permit Applications

- TCEQ issues a wide variety of environmental permits:
 - Air emissions
 - Wastewater discharges
 - Waste management and disposal
 - Use of the state's surface water (Water Rights)



Introduction to TCEQ Permit Applications

- Under state law, we don't have the authority to consider these matters when we review a permit application:
 - Noise
 - Site selection
 - Effects on property values
 - Increased traffic



Introduction to TCEQ Permit Applications

- People submit applications to get a new permit or for other reasons, like to amend or renew an existing permit.

**NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN
AIR QUALITY STANDARD PERMIT REGISTRATION RENEWAL**

**NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR WATER QUALITY TPDES PERMIT AMENDMENT
FOR INDUSTRIAL WASTEWATER**

**NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR LAND APPLICATION OF SEWAGE SLUDGE PERMIT
MAJOR AMENDMENT WITH RENEWAL**



Public Notices

- Many types of applications require the newspaper publication of a “public notice.”
- The public notice contains:
 - General information about the applicant and application;
 - Public participation options for that particular application;
 - Contact information for the applicant and TCEQ;
 - And other helpful information.



Public Notices

Applications with Two Public Notices

- ***First Public Notice***

- After the TCEQ considers an application **administratively complete**, the applicant publishes this first notice.
- The title contains this language: *Notice of Receipt of Application and Intent to Obtain Permit*



Public Notices

Applications with Two Public Notices

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

AIR QUALITY PERMIT NUMBER 47227

APPLICATION Kiewit Offshore Services, Ltd. has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to Air Quality Permit Number 47227, which would authorize modification to the Offshore Platform Fabrication Facility located at 2440 Kiewit Road, Ingleside, San Patricio County,

The executive director has determined the application is administratively complete and will conduct a technical review of the application.

The executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments. If a



Public Notices

Applications with Two Public Notices

- *Second Public Notice*

- After the TCEQ considers an application **technically complete** (it meets all applicable state and federal requirements), the applicant publishes this notice.
- The title contains this language: *Notice of Application and Preliminary Decision*



Public Notices

Applications with Two Public Notices

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY PERMIT

PERMIT NUMBER: 47227

APPLICATION AND PRELIMINARY DECISION. Kiewit Offshore Services, Ltd., has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to Air Quality Permit Number 47227, which would authorize modification to an Offshore Platform Fabrication Facility located at 2440 Kiewit Road, Ingleside, San Patricio County, Texas 78362. This application was submitted to the TCEQ on October 6, 2015. The proposed facility will emit the following contaminants: organic compounds, nitrogen oxides, sulfur dioxide, carbon monoxide, and particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision to issue the permit because it meets all rules and regulations. The permit



Public Notices

Applications with One Public Notice

Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision

Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 148099

This application was submitted to the TCEQ on August 14, 2017. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC § 116.611, which would establish the conditions under which the plant must operate. The

TCEQ Action. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The executive director's decision on the application, and any response to comments, will be mailed to all persons on the mailing list. If no timely



Participation Options in Public Notices

- In public notices:
 - Submit a comment
 - Sign up for a mailing list
- In many public notices:
 - Request a public meeting
 - Request a contested case hearing



Participation Options in Public Notices

Submit a Comment

- Use this option to state any issues regarding the pending application.
- Make sure we receive your comment during the “comment period” that’s mentioned in the public notice.
- Read the public notice for information on how the TCEQ will respond to comments.



Participation Options in Public Notices

Submit a Comment

PUBLIC COMMENT You may submit public comments, or a request for a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. The deadline to submit public comments is 15 days after newspaper notice is published. After the deadline for public comments, the executive director will prepare a response to all relevant and material, or significant public comments. Issues such as property values, noise, traffic safety, and zoning are outside of the TCEQ's jurisdiction to address in the permit process.

After the technical review is complete the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If only comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or who is on the mailing list for this application, unless the application is directly referred to a contested case hearing.

AGENCY CONTACTS AND INFORMATION Public comments and requests must be submitted either electronically at www.tceq.texas.gov/about/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you

Comment on a Pending Permit Application

Comment Online:

To submit a comment online, you must have the TCEQ permit number associated with the pending permit application of interest to you.

Permit Number:

Next

reset

If you submit your comments online, you will receive an e-mail confirmation for your records. Keep this e-mail for future reference.

If you do not receive an e-mail within one hour, we **HAVE NOT received your comments.* If you do not receive the confirmation, please contact the Office of the Chief Clerk immediately at 512-239-3300.

Don't know the permit number? Not sure if an application is open for comment?

Click on the button below to search for or verify a TCEQ permit number, or find out if an application is open for comment.

Search the TCEQ Commissioners' Integrated Database

Or file by mail, hand-delivery, or fax:

Please include a TCEQ permit you mail, hand-deliver, or fax comments on a pending permit application. Submit your comments using one of the options below:

Mail to:

Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

Courier or hand-deliver to:

Office of the Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg F
Austin, TX 78753

Fax to:

512-239-3311*

*Note: If you fax your filing, you **must** mail or hand-deliver the original document and the appropriate number of copies to the Office of the Chief Clerk within three business days.

You have chosen this pending permit number:

Regulated Entity Name:

FHR INGLESIDE MARINE TERMINAL FACILITY

RN Number:

RN100222744

TCEQ Permit No.:

6606

TCEQ Docket No:**County:**

SAN PATRICIO

Principal Name:

FLINT HILLS RESOURCES CORPUS CHRISTI LLC , CN603741463

[Return to Previous Screen](#)

Privacy policy: Please be aware the law concerning confidentiality of certain email addresses has recently changed. Effective September 1, 2009, email addresses provided to a governmental body (including the TCEQ) for the purpose of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of the Government Code, or receiving orders or decisions from a governmental body are no longer subject to the confidentiality provisions of Section 552.137 of the Act. This means beginning September 1, 2009, email addresses in the possession of the TCEQ that meet the above criteria (set forth in Section 552.137(c)(5)) will be subject to disclosure. (more ...)

To comment online, please enter your contact information:

☐ I accept the privacy policy (required to continue)☒ I do not accept**Enter e-mail address****Re-enter e-mail address****Prefix (optional)****First Name****Middle Name (optional)****Last Name****Suffix (optional)****Company Name (if applicable)****Mailing Address****Suite/Apt/Room/Building/Mail Code (optional)****City****State****ZIP Code****Phone Number****Fax Number (optional)**



Participation Options in Public Notices

Sign up for a Mailing List

- Allows you to receive future notices.
- If you submit a comment, request a public meeting, or request a contested case hearing, you will be placed on the application's mailing list.
 - On this list, you will receive any future notices for that specific application.



Participation Options in Public Notices

Sign up for a Mailing List

- There are also two other mailing lists you can request to be on:
 - **Permit's permanent mailing list** – to receive future notices for all applications for that permit.
 - **County-wide list** – to receive future notices for all air, waste, and water applications for that county.



Participation Options in Public Notices

Sign up for a Mailing List

- There is no deadline, so you can request to be on a mailing list at any time.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.



Participation Options in Public Notices

Request a Public Meeting

- This is a request for TCEQ staff and the applicant to meet with the public to answer questions, followed by a formal session where TCEQ accepts oral comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.



Participation Options in Public Notices

Request a Public Meeting

- We will have a public meeting if:
 - There is significant interest in an application (for example, a significant amount of comments that say “I request a public meeting”); or
 - If a legislator who represents the area where the facility is, or will be, located makes a request for a public meeting.



Participation Options in Public Notices

Request a Public Meeting

- If we hold a public meeting on a date that's after the end of the comment period, **then the comment period automatically extends to the end of the meeting.**

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application will be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. If a public meeting is held, the deadline to submit public comments is extended to the end of the public meeting.



Participation Options in Public Notices

Request a Public Meeting

- There are different types of meetings; check the notice for more information.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application

Public Comment/Notice and Comment Hearing. Any person may submit writ

**NOTICE OF INFORMATIONAL MEETING
ON APPLICATION FOR AN AIR QUALITY STANDARD PERMIT
FOR PERMANENT ROCK AND CONCRETE CRUSHERS
BY EAST FIRST RECYCLING LLC**



Participation Options in Public Notices

Request a Contested Case Hearing

- With this, you request the commission to refer one or more matters you raised during the comment period to the State Office of Administrative Hearings (SOAH).

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. **Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues submitted by you or others during the public comment period and not withdrawn.



Participation Options in Public Notices

Request a Contested Case Hearing

- The public notice will list the information that you must submit with your request.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing"; (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or an association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests which the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns.



Participation Options in Public Notices

Request a Contested Case Hearing

- Timely requests are scheduled for a Commissioners' Agenda where they either grant or deny the requests.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niemann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 2, 2017

TO: Persons on the Attached Mailing List

**RE: Docket No. 2017-0572-MWD
Village of Salado (Applicant)
Request(s) filed on Permit No. WQ0010884001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **July 7, 2017**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.



Participation Options in Public Notices

Request a Contested Case Hearing

- If a request is granted, it goes to SOAH.
 - Information about SOAH's contested case hearing process is online at www.soah.texas.gov.
 - After the hearing, SOAH will report their decision to the TCEQ commissioners and they will consider their decision on the matter.



Additional Participation Options

- Request for Reconsideration
- Motion to Overturn
- Motion for Rehearing
- Petition for Judicial Review



Additional Participation Options

Request for Reconsideration

- This is a request for the TCEQ commissioners to reconsider the executive director's decision on the application.
- Option available if the letter enclosed with the "Response to Comments" contains this option.



July 24, 2017

TO: Persons on the attached mailing list.

RE: Nashtec LLC
TPDES Permit No. WQ0005218000

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize**

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.



Additional Participation Options

Motion to Overturn

- *If application approved by the executive director, you can request the commission to overturn this approval.*
- Information about it is in the letter with the new/amended/renewed permit.



TO: Persons on the attached mailing list.

RE: Gregory Power Partners LLC
TCEQ Docket No. 2017-0840-IWD
Permit No. WQ0005219000

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on August 2, 2017, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.



Additional Participation Options

Motion for Rehearing

- *If application approved by the commission, you can request the commission to review its approval.*
- Information about it is in the letter with the new/amended/renewed permit.



TO: Persons on the attached mailing list.

RE: Village of Salado

TCEQ Docket No. 2017-0572-MWD; TPDES Permit No. WQ0010884001

Decision of the Commission on Application.

The Texas Commission on Environmental Quality (“TCEQ” or “Commission”) has made a decision to grant the above-referenced permit application. Enclosed with this letter is a copy of the Commission’s order. Unless a Motion for Rehearing (“MFR” or “motion”) is timely filed with the chief clerk, this action of the Commission will become final. A MFR is a request for the Commission to review its decision on the matter. Any motion must explain why the Commission should review the decision.

Deadline for Filing Motion for Rehearing.

A MFR must be received by the chief clerk’s office no later than the 25th day after the date that the Commission’s order on this application is signed. The date of signature is indicated on the last page of the enclosed order.

Motions may be filed with the chief clerk electronically at

<http://www.tceq.texas.gov/goto/eFilings> or by filing an original and 7 copies with the Chief Clerk at the following address:



Additional Participation Options

Petition for Judicial Review

- After all participation options through TCEQ have been exhausted, you have the option to submit a **petition for judicial review** with the Travis County district court.



TO: Persons on the attached mailing list.

RE: Gregory Power Partners LLC
TCEQ Docket No. 2017-0840-IWD
Permit No. WQ0005219000

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You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.



Available Resources

Public Education Program

- Can answer questions about public notices, participation options, and an application's status.
 - Phone: (800) 687-4040
 - Email: pep@tceq.texas.gov
 - Online: www.tceq.texas.gov/goto/pep

Environmental Permitting: Participating in the Process

We review applications for many different environmental permits. Each type of permit application has its own review process. In a number of cases, the permitting process calls for the applicant to publish one or more public notices that invite the public to comment and sometimes to participate in other ways.

Different kinds of permit applications have different kinds of review processes. So if you're interested in a permit application, a good place to start learning about its process is in a public notice for that application.

We get the most questions about these types of permits:

Air Permits

- Concrete Batch Plants
- Rock and Concrete Crushers

Wastewater and other Water Quality Permits

- Beneficial Land Application of Sludge
- Facilities that Discharge Industrial Wastewater
- Municipal Wastewater Treatment Plants

Waste Permits

Have Questions?

**Do you need help understanding the permitting process?
Call our Public Education Program (PEP): 800-687-4040.**

We can help you understand the permitting process, answer questions about pending permits and their status, and explain how you can get involved.

What *won't* these permits cover?

The issues we can consider when we review a permit application are set by the Legislature through state law. Under those laws, we do not have the authority to consider these matters when we review a permit application:

- noise
- zoning
- effects on property values
- increased traffic



Available Resources

Office of the Chief Clerk

- Can answers questions about mailing lists and anything that the public submitted to TCEQ (comments, requests for public meetings and contested case hearings, etc.).
 - Phone: (512) 239-3300
 - Online: www.tceq.texas.gov/goto/cid

Search One: Status of Matter(s)

Step One: Select type of Items to view and the sort order.

- ☒ Open Items
☐ Open and Closed Items

Sort by: ☒ Applicant/Respondent
☐ TCEQ ID Number
☐ County

Step Two: Choose additional information below. Click "Search" button to run search. Click "Clear" to start over.

Applicant/Respondent Name:

(May enter only first letter or first few letters of name.)

TCEQ ID Number:

146425

(Enter a full or partial Id number - permit, license, enforcement case etc)

TCEQ Docket Number:

(example format: 2001-1918-AIR, add -E for enforcement case.)

SOAH Entity Number:

(example format: 582-97-0842)

Program Area:

NONE

County:

ALL

OR **TCEQ Region:**

ALL

[Region Map](#) (In PDF. Help with [PDF](#).)

Regulated Entity Number:

(example format: RN100323718)

Customer Number:

(example format: CN602341532)

Step Three (optional): Include the additional information below. Click "Search" button to run search. Click "Clear" to start over.

☒ **Include Filings on this Item:**

(List of documents received by TCEQ Chief Clerk from all parties, SOAH, OGC, etc., regarding an application, registration, enforcement action, etc.)

☒ **Include all correspondence from the public on this Item:**

(List of comments, hearing requests, public meeting requests, etc.) **Search Tip:** To ensure you retrieve all of the protestants for an application, please conduct your search five or more days after the comment period deadline.)

Results per page: 5

Search

Clear

**Report Results 1 of 1****Applicant/Respondent Name, TCEQ Customer Number:**

GCGV ASSET HOLDING LLC, CN605357219

Status: ACTIVE**Item Type:** NEW**Regulated Entity Name, Regulated Entity Number:**

GULF COAST GROWTH VENTURES PROJECT, RN109753731

TCEQ Docket Num:**SOAH Docket Num:****County, TCEQ Region:**

SAN PATRICIO, REGION 14 - CORPUS CHRISTI

Program: AIRNSR**Permit Number:**

146425

Program: AIRNSR**Permit Number:**

GHGPSDTX170

Program: AIRNSR**Permit Number:**

PSDTX1518

Doc. Type: PERMIT**Protestant Information**

Note: Allow up to five or more business days after the end of the comment period for comments or hearing requests to be included in this total.

Comments Received: 18 Hearing Requests Received: 11 Public Meetings Received: 2413 Activity Actions found. [Display all Activity Actions](#)**Activity Action List:**

Date	Document Type	Action
07/14/2017	BILINGUAL AFFIDAVIT	RECEIVED
06/16/2017	BILINGUAL VERIFICATION	RECEIVED
06/16/2017	AVAILABILITY VERIFICATIO	RECEIVED
05/19/2017	NEWSPAPER TEARSHEET	RECEIVED
05/19/2017	AFFIDAVIT - NORI	RECEIVED

Filings received since July 2009 are viewable in PDF by clicking on the Filing Title.

Filings:**Date Received****Filing Title**

No Filings found

53 Comments found. [Display all Comments](#)

Comment letters, etc. received since November 2008 are viewable in PDF by clicking on the Correspondence Type.

Date Received	Commentor	Correspondence Type	Comments Submitted Electronically
06/26/2017 7:26 PM	SHAMEL,CHARLES	Hearing Request	Citizens living down wind and impacted by reduction of water and air quality by the Exxon/SABIC project should have the opportunity for a public hearing before GCGV air and water quality permit is issued. Waste water and runoff released into Copano Bay and La Quinta Channel will likely effect fishing. Environmental impact should be thoroughly studied.